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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/707,423 | 12/12/2003 | Ned H. Hiller | Hiller2 | 1422 |
| 7590 | 08/11/2005 | | EXAMINER HOWELL, DANIEL W | |
| Andrew Floam 1826 Briar Ridge Court McLean, VA 22101 | | | ART UNIT 3722 | PAPER NUMBER |

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/707,423

Applicant(s)

HILLER, NED H.

Examiner

Daniel W. Howell

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (2,838,966).

Figures 6 and 7 show an L-shaped body 60, 62, having four drill guide bushings. The device is clearly capable of being oriented such that the holes of the drill guide bushings are oriented in a vertical plane. The particular workpiece does not structurally limit the drill guide.

3. Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Brydon (5,114,285). Figure 1 shows a U-shaped drill guide having holes 80 which may be selectively used to place holes in the desired location. While Brydon discloses that side 70 is placed on the vertical edge of a door, the U-shaped guide is certainly capable of being mounted on the top edge of a door. Figures 4 and 5 show an L-shaped drill guide having a plurality of drill guide holes, and the L-shaped guide is capable of being mounted on the top edge of a door. It is also noted that the particular workpiece or use of the drilled holes does not structurally limit the drill guides.

4. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Juang (5,466,098).

Figures 1 and 2 of Juang show a U-shaped drill guide 101, 102, 105, having a plurality of holes 103 for removable drill guide bushings 104. The device is capable of being oriented such that arms 105, 101, are vertically mounted. The particular workpiece or use for the drilled holes does not structurally limit the device.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brydon in view of Miller (4,544,307). As disclosed at lines 17+ of column 3, the guides of Brydon are made of plastic, such that they may be damaged by the sharp edges of the drill. Miller shows a plastic guide body 10 having guide bushings 16, which will provide wear resistance. It is considered to have been obvious to have provided the drill guides of Brydon with the bushings as taught by Miller in order to reduce wear on the drill guide.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Juang in view of Campbell. It is noted that arm 105 of Juang is shorter than arm 101, and that the arms are spaced an appropriate amount that workpiece A may fit between them. Both of the devices of Juang and Campbell include bushings. Claim 1 sets forth a kit of two separate drill jigs which are never connected with each other in any way. It is considered to have been obvious to have provided Juang and Campbell together in a kit in order to drill all of the holes necessary for a particular project.

8. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Derris Banks, may be reached at 571-272-4419.

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In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a USPTO deposit account. Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in black ink, appearing to read 'Howell', is positioned above the printed name.

Daniel W. Howell
Primary Examiner
Art Unit 3722